

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JAY HARWOOD OLD CHIEF,

Defendant.

CR-14-02-GF-BMM

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS**

United States Magistrate Judge John Johnston conducted a revocation hearing in this matter on February 14, 2019. (Doc. 121.) The United States accused Defendant Jay Harwood Old Chief of violating his conditions of supervised release by: 1) possessing methamphetamine; 2) using methamphetamine; and 3) failing to report to his probation officer as directed. (Doc. 117 at 3.) Old Chief admitted to all three violations of his supervised release. (Doc. 124 at 2.)

Judge Johnston entered Findings and Recommendations on February 19, 2019. (Doc. 124.) Judge Johnston recommended that the Court revoke Old Chief's supervised release. *Id.* at 2. Judge Johnston recommended that the Court commit Old Chief to the custody of the Bureau of Prisons for period of 6 months, with no term of supervised release to follow. *Id.* at 3.

Old Chief waived his right to object to Judge Johnston's Findings and Recommendations. *Id.* The Government did not file an objection. The Court will review Judge Johnston's Findings and Recommendations for clear error. *See McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). The Court finds no clear error in Judge Johnston's Findings and Recommendations. Old Chief's violations represent a serious breach of the Court's trust. A custodial sentence of 6 months, with no term of supervised release to follow, is a sufficient, but not greater than necessary sentence.

IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 124) is **ADOPTED IN FULL**.

IT IS FURTHER ORDERED that Defendant Jay Harwood Old Chief is sentenced to 6 months in custody with no period of supervised release to follow.

DATED this 1st day of March, 2019.



Brian Morris
United States District Court Judge